

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
WESTPORT INSURANCE CORPORATION, :
: Plaintiff, : Case No. 07 Civ. 6726 (SHS) (RLE)
: :
-against- :
: :
PATRICIA HENNESSEY, ESQ., and COHEN, :
HENNESSEY, BIENSTOCK & RABIN, P.C. :
f/k/a COHEN, HENNESSEY, BIENSTOCK, P.C., : **AFFIDAVIT OF HARRIET**
: **NEWMAN COHEN**
: :
Defendants. :
-----x

STATE OF NEW YORK)
) ss.:
COUNTY OF COUNTY)

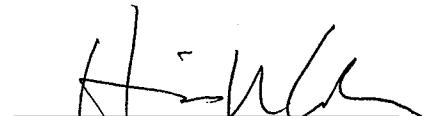
HARRIET NEWMAN COHEN, being duly sworn, deposes and says as follows:

1. I am an attorney duly admitted to practice law in the courts of the state of New York and in the United States District Court for the Southern District of New York.
2. I am a founding member and the first-named shareholder of defendant Cohen Hennessey Bienstock & Rabin P.C., formerly known as Cohen Hennessey & Bienstock P.C. (collectively “CHB&R”). Defendant Patricia Hennessey is a shareholder of CHB&R.
3. From personal knowledge, unless otherwise indicated, I make this affidavit on behalf of Defendants in opposition to the motion of plaintiff Westport Insurance Corporation (“Westport”) for summary judgment and in support of Defendants’ motion for partial summary judgment.

4. A true copy of CHB&R's Verified Answer to Jayne Asher's Verified Complaint in Mrs. Asher's legal malpractice action, pending in the Supreme Court, Westchester County (the "Asher Action"), is attached hereto as Exhibit 1.

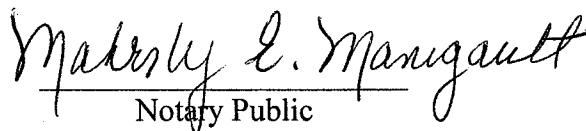
5. Westport assigned CHB&R's defense of the Asher Action to Rivkin Radler LLP, and Westport represented that it would pay the legal fees and expenses of that firm.

6. After Westport informed CHB&R that it was disclaiming insurance coverage for the Asher Action and would cease paying the legal fees and expenses of Rivkin Radler LLP, CHB&R retained Paul C. Kurland of Snow Becker Krauss P.C. and Sondra M. Miller of McCarthy Fingar LLP to defend the Asher Action, and we respectfully request that this Court order Westport to pay the legal fees and expenses of our new substituted counsel.



Harriet Newman Cohen

Sworn to before me this
5th day of December 2007



Maherly E. Manigault
Notary Public

MAHERLY E. MANIGAULT
Notary Public, State of New York
No. 03-4913526
Qualified in BRONX County
Commission Expires 11/23/09